

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JANE DOE, a minor, through her parents and
legal guardians, JANE ROE and JOHN ROE

Plaintiff,

v.

JOHN SMITH, a minor, through his parent(s)
and legal guardian(s), JOE SMITH and JANE
SMITH,

Defendant.

Assigned to: Hon. Esther Salas
Referred to: Hon. James B. Clark, III

Civil Action No. 2:24-cv-00634-ES-JBC

CIVIL ACTION

**NOTICE OF MOTION TO INTERVENE
PURSUANT TO FED. R. CIV. P. 24(a) AND
24(b) AND TO QUASH PLAINTIFF'S
SUBPOENAS DIRECTED TO THE
WESTFIELD BOARD OF EDUCATION,
WESTFIELD HIGH SCHOOL, AND THE
WESTFIELD POLICE DEPARTMENT**

PLEASE TAKE NOTICE that Proposed Third-Party Intervenor K.W., by and through the undersigned attorneys, files this application to intervene as of right pursuant to Fed. R. Civ. P. 24(a), or in the alternative for permissive intervention pursuant to Fed. R. Civ. P. 24(b), before the Honorable James B. Clark, III, United States Magistrate Judge, for the limited purpose of moving, pursuant to Fed. R. Civ. P. 45 and L. Civ. R. 16.1, to quash subpoenas served by Plaintiff; and

PLEASE TAKE FURTHER NOTICE that if the application to intervene is granted, K.W. will also move pursuant to Fed. R. Civ. P. 45 and L. Civ. R. 16.1 to quash Plaintiff Jane Doe's subpoenas directed to: (a) Dr. Raymond Gonzalez, as Superintendent and Records Custodian, Westfield Public Schools, Office of Human Resources, 302 Elm Street, Westfield NJ 07090; (b) Mary Asfendis, as Principal and Records Custodian, Westfield High School, 550 Dorian Road, Westfield, NJ 07090; and (c) Chief Christopher Battiloro, as Chief of Police and Records Custodian, Westfield Police Department, 425 East Broad Street, Westfield, NJ 07090. In support

of K.W.'s motion to quash, s/he will rely upon the accompanying legal memorandum and Certification of Kevin G. Walsh; and

PLEASE TAKE FURTHER NOTICE that pursuant to the Court Order dated November 6, 2024 [Doc. 67] this Motion to Intervene and Quash is being filed before the December 16, 2024 return date of Defendant John Smith's pending motion to quash; and

PLEASE TAKE FURTHER NOTICE that pursuant to the Court Order dated November 6, 2024 [Doc. 67] this motion is to be heard before the U.S. Magistrate Judge Clark on December 16, 2024; and

PLEASE TAKE FURTHER NOTICE that K.W. respectfully requests oral argument.

Dated: December 11, 2024

GREENBERG TRAURIG, LLP
500 Campus Drive, Suite 400
Florham Park, NJ 07932-0677
(973) 360-7900

/s/ Kevin G. Walsh

Kevin G. Walsh, Esq.

*Attorneys for Proposed Third-Party
Intervenor K.W.*

PROOF OF SERVICE

I hereby certify that a true and correct copy of K.W.'s Notice of Motion to Intervene and Quash Plaintiff Jane Does' subpoenas directed to (a) Dr. Raymond Gonzalez, as Superintendent and Records Custodian, Westfield Public Schools, Office of Human Resources, 302 Elm Street, Westfield NJ 07090; (b) Mary Asfendis, as Principal and Records Custodian, Westfield High School, 550 Dorian Road, Westfield, NJ 07090; and (c) Chief Christopher Battiloro, as Chief of Police and Records Custodian, Westfield Police Department, 425 East Broad Street, Westfield, NJ 07090 was served on all counsel or parties of record listed below.

John D. Gulyas, Esq.
Law Office of Barr & Gulyas, LLC
21 Brant Ave
Clark, New Jersey 08850
jgulyas@barrgulyas.com
Attorneys for Plaintiff Jane Doe

Christine Martinez, Esq.
Machado Law Group
1 Cleveland Place
Springfield, New Jersey 07081
cmartinez@machadolawgroup.com
Attorneys for the Westfield Board of Education

Kyle J. Trent, Esq.
Apruzzese, McDermott,
Mastro & Murphy, P.C.
25 Independence Blvd, 3rd Fl.
Warren, New Jersey 07095
Attorneys for the Westfield Police Department

Christopher D. Adams, Esq.
Marjan Moussavian, Esq.
McCarter & English LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
cadams@mccarter.com
mmoussavian@mccarter.com
Attorneys for Defendant John Smith

Dated: December 11, 2024

GREENBERG TRAURIG, LLP
500 Campus Drive, Suite 400
Florham Park, NJ 07932-0677



Kevin G. Walsh, Esq.
Attorneys for Third-Party Intervenor K.W.